

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION

CHARLES D. ENGLISH §  
VS. § CIVIL ACTION NO. 1:20-CV-458  
LORIE DAVIS, ET AL. § JUDGE MICHAEL J. TRUNCALE

**MEMORANDUM ORDER ADOPTING THE MAGISTRATE  
JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff Charles D. English, a prisoner confined at the Stiles Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, filed this civil rights action pursuant to 42 U.S.C. § 1983 and the Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA), 42 U.S.C. § 2000cc, against Lorie Davis, Bryan Williams, Charles E. Rowry, and Bobby Lumpkin.

The Court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this Court. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge. The magistrate judge recommends granting the defendants' motion to dismiss to the extent that the First Amendment claims should be dismissed and Defendants Davis, Williams, and Rowry should be dismissed from this action.<sup>1</sup>

The Court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such order, along with the record and the pleadings. No objections to the Report and Recommendation of United States Magistrate Judge were filed by the parties.

**ORDER**

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge [Dkt. 35] is ADOPTED. Defendants' motion to dismiss [Dkt. 17] is GRANTED to the extent that the First Amendment claims are DISMISSED, and

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<sup>1</sup> The Court notes a citation error in the Report and Recommendation of United States Magistrate Judge [Dkt. 35]. On page four, the citation should read *Mullenix v. Luna*, 577 U.S. 7, 12 (2015).

Defendants Davis, Williams, and Rowry are DISMISSED from this action. The claim for injunctive relief against Defendant Lumpkin under the RLUIPA remains pending before the court.

SIGNED this 16th day of March, 2022.



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Michael J. Truncale  
United States District Judge